

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL T. COHEN and JEROME BIRN, On Behalf of Themselves and All Others Similarly Situated and Derivatively on Behalf of THE BEAR STEARNS COMPANIES, INC.,

Plaintiffs,

vs.

JAMES E. CAYNE, SAMUEL L. MOLINARO, JEFFREY M. FARBER, JEFFREY MAYER, MICHAEL MINIKES, ALAN D. SCHWARTZ, WARREN J. SPECTOR, HENRY BIENEN, CARL D. GLICKMAN, MICHAEL GOLDSTEIN, ALAN C. GREENBERG, DONALD J. HARRINGTON, FRANK T. NICKELL, PAUL A. NOVELLY, FREDERIC V. SALERNO, VINCENT TESE, WESLEY S. WILLIAMS, JR.,

Defendants,

-and-

THE BEAR STEARNS COMPANIES, INC., a Delaware corporation,

Nominal Defendant.

Civil Action No. 07-cv-10453-RWS

**NOTICE OF MOTION AND MOTION
TO APPOINT LEAD COUNSEL**

PLEASE TAKE NOTICE that Samuel T. Cohen and Jerome Birn, plaintiffs in *Cohen, et al. v. The Bear Stearns Companies, Inc., et al.*, Case No. 1:07-cv-10453-RWS (the “Derivative Action”), by their counsel, move this Court for an Order: appointing the law firms Brower Piven, A Professional Corporation and Robbins Umeda & Fink, LLP as Co-Lead Counsel in the

Derivative Action. In support of this Motion, Plaintiffs Cohen and Birn submit the following:

- (1) Memorandum of Law in Support of Plaintiffs Samuel T. Cohen's and Jerome Birn's Motion to Appoint Lead Counsel in the Derivative Action; (2) Declaration of David A.P. Brower in Support of Plaintiffs Samuel T. Cohen's and Jerome Birn's Motion to Appoint Lead Counsel; and (3) A Proposed Order Granting the Plaintiffs' Motion.

DATED: June 10, 2008

Respectfully submitted,

BROWER PIVEN
A Professional Corporation

By: /s/ David A.P. Brower
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